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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,686	10/27/2003	Yoshiaki Kato	2611-0198P	2067
2292	7590	10/17/2008	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				MATTIS, JASON E
ART UNIT		PAPER NUMBER		
2416				
NOTIFICATION DATE		DELIVERY MODE		
10/17/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/692,686	KATO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JASON E. MATTIS	2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 July 2008.

2a) This action is **FINAL**.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 17-24 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 17-24 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. 08/806,665.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

1. This Office Action is in response to the Amendment filed 7/3/08. New claims 21-24 have been added. Claims 17-24 are currently pending in the application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 17-19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Magee et al. (U.S. Pat. 5835493).

**With respect to claims 17 and 21,** Magee et al. discloses a multiplexing apparatus and method (**See the abstract, column 8 lines 39-43 and Figure 2 of Magee et al. for reference to remultiplexer 100 implementing a multiplexing method**). Magee et al. also discloses a control information selecting station selecting packets containing control information from media streams of different types having multiplexed control information packets and media information packets (**See column 2 line 20 to column 3 line 6, column 9 lines 10-33, column 9 lines 37-41, and Figure**

**2 of Magee et al. for reference to DLM 110 receiving and selecting packets from streams containing video, audio, and data of different types, having multiplexed PSI data packets, which are control information packets, and PES bearing packets, which are media information packets).** Magee et al. further discloses at least one of the media information packets having clock information for generating a clock signal when decoding the media information (**See column 2 lines 28-48 of Magee et al. for reference to PES bearing packets including PCR values, which contain clock information for generating a clock signal when decoding the packets).** Magee et al. also discloses a program control information editing section editing the control information contained in the selected control information packets and generating modified control information packets (**See column 9 lines 10-20, column 10 lines 6-34, and column 17 lines 46-48 of Magee et al. for reference to editing PAT control information contained in the selected PSI data packets and generating modified PSI data packets containing the edited control information**). Magee et al. further discloses a clock information reallocating section reallocating clock information within a media information packet with modified clock information set equal to the clock information plus a computed delay time (**See column 12 lines 25-61 of Magee et al. for reference to reallocating PCR clock information of PES bearing packets by setting modified clock information equal to clock information plus a dwell time, which is a computed delay time**). Magee et al. also discloses a multiplexing section multiplexing modified control information packets and selected media information packets from the media streams to produce a multiplexed media stream with packets

containing clock information being preferentially multiplexed (**See column 9 lines 10-33, column 14 line 66 to column 15 line 32, and column 16 line 60 to column 17 line 21 of Magee et al. for reference to multiplexing modified PSI packets and PES containing PCR clock information to produce a multiplexed stream**).

**With respect to claims 18 and 22**, Magee et al. discloses selecting media information packets being specific packets corresponding to a required program (**See column 8 lines 1-10 of Magee et al. for reference to selecting packets of one or more selected programs, which are required programs**).

**With respect to claims 19 and 23**, Magee et al. discloses a remultiplexing apparatus and method (**See the abstract, column 8 lines 39-43 and Figure 2 of Magee et al. for reference to remultiplexer 100 implementing a remultiplexing method**). Magee et al. also discloses a control information selecting station selecting packets containing control information from media streams of different types having multiplexed control information packets and media information packets (**See column 2 line 20 to column 3 line 6, column 9 lines 10-33, column 9 lines 37-41, and Figure 2 of Magee et al. for reference to DLM 110 receiving and selecting packets from streams containing video, audio, and data of different types, having multiplexed PSI data packets, which are control information packets, and PES bearing packets, which are media information packets**). Magee et al. further discloses at least one of the media information packets having clock information that is generated by appending a media time base that is utilized to regenerate a clock signal when decoding the media information (**See column 2 lines 28-48 of Magee et al. for reference to**

**PES bearing packets including PCR values, which contain clock information generated by appending a clock time base used to regenerate a clock signal when decoding).** Magee et al. also discloses a program control information editing section editing the control information contained in the selected control information packets and generating modified control information packets (**See column 9 lines 10-20, column 10 lines 6-34, and column 17 lines 46-48 of Magee et al. for reference to editing PAT control information contained in the selected PSI data packets and generating modified PSI data packets containing the edited control information**).

Magee et al. further discloses selecting a plurality of media information packets corresponding to required programs (**See column 8 lines 1-10 of Magee et al. for reference to selecting packets of one or more selected programs, which are required programs**). Magee et al. also discloses a clock information reallocating section reallocating clock information of selected media information packets (**See column 12 lines 25-61 of Magee et al. for reference to reallocating PCR clock information of PES bearing packets**). Magee et al. further discloses a remultiplexing section multiplexing modified control information packets and selected media information packets from the media streams to produce a remultiplexed media stream with packets containing clock information being preferentially multiplexed (**See column 9 lines 10-33, column 14 line 66 to column 15 line 32, and column 16 line 60 to column 17 line 21 of Magee et al. for reference to multiplexing modified PSI packets and PES containing PCR clock information to produce a remultiplexed stream**).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Magee et al. in view of Cooper et al. (U.S. Pat. 6901209 B1).

**With respect to claims 20 and 24,** Magee et al. does not disclose selecting programs according to viewability restricting information defined as the program type information.

**With respect to claims 20 and 24,** Cooper et al., in the field of communications, discloses selecting programs according to viewability restricting information defined as the program type information (**See column 7 line 65 to column 8 line 3 and column 11 lines 57-59 of Cooper et al. for reference to selecting remultiplexed stream programs according to a program type**). Selecting programs according to viewability restricting information defined as the program type information has the advantage of providing greater user control over which type of programs are contained within a remultiplexed data stream.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Cooper et al., to combine selecting

programs according to viewability restricting information defined as the program type information, as suggested by Cooper et al., with the system and method of Magee et al. with the motivation being to provide greater user control over which type of programs are contained within a remultiplexed data stream.

***Response to Arguments***

6. Applicant's arguments filed 7/3/08 have been fully considered but they are not persuasive.

Regarding Applicant's argument that Magee et al. does not disclose the claim limitation regarding "preferentially multiplexing selected media information packets containing clock information", the Examiner respectfully disagrees. Magee et al. discloses determining when a packet having PCR data, which is clock information data, is received, updating the PCR data and preferentially multiplexing a packet with updated PCR data into a remultiplexed data stream (See column 14 line 66 to column 15 line 32 of Magee et al.). In this manner, PES packets having updated PCR data are preferentially remultiplexed into the data stream in a location corresponding to the updated PCR data. Thus, Magee et al. does disclose preferentially multiplexing selected media information packets containing clock information, as claimed.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON E. MATTIS whose telephone number is (571)272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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